

AF / 3693



PATENT
Customer No.: 58,982
Attorney Docket No. 08350.1488-00000

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Douglas C. MEYER)	Group Art Unit: 3692
)	
Application No.: 10/027,032)	Examiner: Kramer, James
)	
Filed: December 20, 2001)	
)	
For: METHOD OF MANAGING)	Confirmation No.: 2259
INVENTORY)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

A Notice of Non-Compliant Appeal Brief dated May 21, 2007, stated that Applicant's Appeal Brief filed on March 26, 2007 was defective because "[t]he brief does not contain a statement of the status of all claims." Specifically, the Notice stated that "[t]he status of all claims has not been identified (canceled)."

Applicant submits herewith a substitute for the Appeal Brief filed March 26, 2007. The attached substitute Appeal Brief is identical to the Appeal Brief filed March 26, 2007, except that the Status of Claims section on page 5 includes the statement that claim 2 has been canceled.

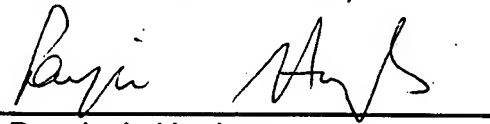
Please grant any extensions of time required to enter this Response, and charge any required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2007

By:

A handwritten signature in dark ink, appearing to read 'Panyin A. Hughes', is written over a horizontal line.

Panyin A. Hughes
Reg. No. 55,288



PATENT
Customer No. 58,982
Attorney Docket No. 08350.1488-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Douglas C. MEYER)	Group Art Unit: 3692
)	
Application No.: 10/027,032)	Examiner: Kramer, James
)	
Filed: December 20, 2001)	
)	
For: METHOD OF MANAGING)	Confirmation No.: 2259
INVENTORY)	

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed January 9, 2007, in response to the Office Action mailed on October 12, 2006, and further to Board Rule 41.37, Appellant presents this brief. The required fee of \$500.00 under 37 C.F.R. § 1.17(c) was submitted on July 20, 2006 with submission of the initial Appeal Brief

This Appeal is in response to the rejection of claims 1, 3-11, 32-37, and 39-52 in the Office Action mailed on October 12, 2006. The deadline for filing this Brief extends to April 9, 2007 by the one-month Extension of Time filed herewith.

If any additional fees are required or if the enclosed payment is insufficient, please charge Deposit Account 06-0916.

Table of Contents

I.	<u>Real Party in Interest</u>	3
II.	<u>Related Appeals and Interferences</u>	4
III.	<u>Status of Claims</u>	5
IV.	<u>Status of Amendments</u>	6
V.	<u>Summary of Claimed Subject Matter</u>	7
VI.	<u>Grounds of Rejection</u>	10
VII.	<u>Arguments</u>	11
VIII.	<u>Conclusion</u>	19
IX.	<u>Claims Appendix</u>	20
X.	<u>Evidence Appendix</u>	29
XI.	<u>Related Proceedings Appendix</u>	30

Real Party In Interest

Caterpillar Inc. is the real party in interest.

Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or Assignee are aware of, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status Of Claims

Claims 1 and 3-52 are pending in this application. Claim 2 has been canceled. Claims 12-31 and 38 are withdrawn from consideration. Claims 1, 3-11, 32-37, and 39-52 are rejected. The rejection of claims 1, 3-11, 32-37, and 39-52 is appealed. A copy of these rejected claims is provided in the Claims Appendix attached to this Appeal Brief.

Status Of Amendments

No amendments to the claims have been filed subsequent to the rejection of claims 1, 3-11, 32-37, and 39-52 mailed on October 12, 2006.

Summary Of Claimed Subject Matter

The invention relates generally to a method for managing inventory at a facility, and more particularly, to a method for maintaining and enhancing the accuracy of inventory records.

Independent claim 1 is directed to a method of improving records of inventory at a facility. See, for example, specification at page 3, paragraph no. 16, and Fig. 1. The method includes assessing a plurality of current computer based inventory records associated with the facility. See, for example, specification at page 3, paragraph no. 17, and Fig. 1. The method also includes responsively identifying at least one discrepancy in at least one of the current inventory records. See, for example, specification at page 3, paragraph no. 17, and Fig. 1. The method further includes identifying at least one inventory process associated with said discrepancy. See, for example, specification at page 4, paragraph no. 19, and Fig. 1. The method further includes establishing a desired performance metric associated with said process. See, for example, specification at page 4, paragraph no. 21. The method also includes establishing an actual performance metric of said process in response to said discrepancy. See, for example, specification at page 4, paragraph no. 21. The method further includes comparing said actual and desired performance metrics. See, for example, specification at page 4, paragraph no. 21. The method further includes establishing a plan to correct the at least one discrepancy in response to said comparison, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process.

See, for example, specification at page 4, paragraph no. 21, page 7, paragraph 43. The method also includes implementing the change to correct the at least one discrepancy.

See, for example, specification at page 4, paragraph no. 21.

Independent claim 37 is directed to a method of improving records of inventory at a facility. See, for example, specification at page 3, paragraph no. 16, and Fig. 1. The method includes assessing at least one inventory record associated with the facility, said record being associated with a claim received from an external party, such claim being associated with a part shipment, where said part is of a part type and is associated with said inventory. See, for example, specification at page 8, paragraph no. 45. The method also includes identifying an inventory associated with said facility, said inventory including one of an actual inventory and an estimated inventory. See, for example, specification at page 8, paragraph no. 45. The method further includes comparing said at least one inventory record and said facility inventory. See, for example, specification at page 8, paragraph no. 45. The method also includes identifying at least one discrepancy in the inventory record in response to said comparison. See, for example, specification at page 8, paragraph no. 45. The method further includes analyzing said claim. See, for example, specification at page 8, paragraph no. 45. The method also includes changing an inventory practice in response to said record discrepancy and said analysis, the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process. See, for example, specification at page 4, paragraph no. 21, page 7, paragraph 43, page 8, paragraph no. 45.

Independent claim 52 is directed to a method of improving records of inventory at a facility. See, for example, specification at page 3, paragraph no. 16, and Fig. 1. The method includes receiving a claim from an external party, such claim being associated with a part shipment, where said part is of a part type and is associated with said inventory. See, for example, specification at page 8, paragraph no. 45 and page 9, paragraph 46. The method also includes assessing a plurality of current computer based inventory records associated with the facility in response to said claim. See, for example, specification at page 8, paragraph no. 45 and page 9, paragraph 46. The method further includes responsively identifying at least one discrepancy in at least one of the current inventory records. See, for example, specification at page 3, paragraph no. 17, page 8, paragraph no. 45, page 9, paragraph 46, and Fig. 1. The method further includes analyzing said claim. See, for example, specification at page 8, paragraph no. 45 and page 9, paragraph 46. The method further includes establishing a plan to correct the at least one discrepancy in response to said assessment, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process. See, for example, specification at page 4, paragraph no. 21, page 7, paragraph 43, page 8, paragraph no. 45. The method also includes implementing the change to correct the at least one discrepancy. See, for example, specification at page 4, paragraph no. 21, page 7, paragraph 43, page 8, paragraph no. 45.

Grounds of Rejection

A. Claims 1, 3-10, 32, 33, 36, 37, 39, 44-49, and 52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,884,300 to Brockman ("Brockman").

B. Claims 11, 42, 43, 50, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of *Official Notice*.

C. Claims 34, 35, 40, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of U.S. Patent Application No. 2002/0072977 to Hoblit et al. ("Hoblit").

Arguments

A. The rejection of claims 1, 3-10, 32, 33, 36, 37, 39, 44-49, and 52 under 35 U.S.C. § 102(b) as being anticipated by Brockman should be withdrawn

Claims 1, 3-10, 32, 33, 36, 37, 39, 44-49, and 52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brockman. To anticipate a claim, the reference must teach each and every element of the claim. *Union Carbide Chemicals & Plastics Tech. Corp. v. Shell Oil Co.*, 308 F.3d 1167, 1188, 64 USPQ2d 1545, 1560 (Fed. Cir. 2002); see also M.P.E.P. § 2131. The Board should reverse the rejection because Brockman does not teach each and every element of claims 1, 3-10, 32, 33, 36, 37, 39, 44-49, and 52.

CLAIM 1

Appellant respectfully asserts that Brockman fails to disclose each and every element of the claimed invention. For example, claim 1 recites, among other aspects, “establishing a plan . . . the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process; and implementing the change to correct the at least one discrepancy.” Brockman does not disclose at least this aspect of claim 1.

Brockman discloses that “[a]n inventory pipeline management system provides an efficient full-stream inventory management solution for the inventory that is normally present between the manufacturing and the field consumption points.” Brockman, col. 1, ll. 27-30. Brockman adds that “[u]sing a model to determine a model inventory value for products at each field element in an inventory supply chain, key data elements are

localized and compared with actual inventory values collected from the field elements to determine if a need for replenishment exists.” Brockman, col. 1, ll. 34-38. In other words, Brockman discloses a model whereby inventory need is determined and replenished as needed. Brockman does not disclose or suggest “a method of improving records of inventory at a facility,” including “establishing a plan to correct the at least one discrepancy in response to said comparison, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as required by claim 1. Thus, Brockman cannot anticipate claim 1.

The Office Action mailed on October 12, 2006 contends that “[i]t is the Examiner’s position that when Brockman ‘determines whether products must be produced or picked from consignment’ the reference is establishing a plan, including a change to inventory practice including adding or modifying an inventory process.” Office Action at page 8 (citing Brockman, col. 2, ll. 28-35). Appellant submits that the Office Action mischaracterizes Brockman. Brockman discloses that “[i]f a shortage in inventory exists (i.e. an actual inventory value is less than the model inventory value determined by the inventory model determination unit 305), a demand signal is sent to the production/inventory management unit 320.” Brockman, col. 2, ll. 27-31. Brockman continues, “[i]n response to the demand signal, the production inventory management unit 320 determines whether the products must be produced or picked from consignment inventory.” Brockman, col. 2, ll. 31-34. That is, Brockman discloses a mechanism to obtain units to replenish an inventory if the inventory has a shortage. Brockman does not disclose or suggest “a change to current inventory practices

including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as required by claim 1. Appellant submits that Brockman’s “current inventory process” is to determine a model inventory value and then supply that value. Thus, the portion of Brockman to which the Examiner refers is not a change but rather practicing of the current inventory process. Accordingly, Appellant submits that Brockman cannot anticipate claim 1 and respectfully requests its reversal.

CLAIM 37

With respect to independent claim 37, similar to the argument presented above, Brockman fails to disclose, among other things, “changing an inventory practice . . . the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process.” As fully developed above, Brockman fails to disclose or suggest, among other things, “changing an inventory practice in response to said record discrepancy and said analysis, the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as recited in claim 37. The passage of Brockman relied upon in the Office Action merely discusses an aspect of Brockman’s current inventory process. There is nothing to suggest a change to Brockman’s inventory process. Thus, Brockman fails to disclose or suggest “a method of improving records of inventory at a facility,” including “changing an inventory practice in response to said record discrepancy and said analysis, the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as required by claim 37. Therefore,,

Brockman cannot anticipate independent claim 37. Accordingly, Appellant respectfully requests withdrawal of the section 102(b) rejection of claim 37.

CLAIM 52

Regarding independent claim 52, Brockman does not disclose or suggest “establishing a plan to correct the at least one discrepancy in response to said assessment, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process.” As fully set forth above, Brockman discloses that “[i]f a shortage in inventory exists (i.e. an actual inventory value is less than the model inventory value determined by the inventory model determination unit 305), a demand signal is sent to the production/inventory management unit 320.” Brockman, col. 2, ll. 27-31. Brockman adds that “[i]n response to the demand signal, the production inventory management unit 320 determines whether the products must be produced or picked from consignment inventory.” Brockman, col. 2, ll. 31-34. In other words, Brockman discloses obtaining units to replenish an inventory that has a shortage. Brockman does not disclose or suggest “establishing a plan to correct the at least one discrepancy in response to said assessment, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as required by independent claim 52. Thus, Appellant requests withdrawal of the section 102(b) rejection of claim 52.

B. The rejection of claims 11, 42, 43, 50, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of Official Notice should be withdrawn

Claims 11, 42, 43, 50, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of *Official Notice* (as evidenced by Bragg, Dobler, and Takao). A *prima facie* case of obviousness requires that the prior art references, when combined, must teach or suggest every aspect of the claims. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); see also M.P.E.P. § 2143. The Board should reverse this rejection because Brockman and the *Official Notice*, either alone or in combination, do not teach every element of claims 11, 42, 43, 50, and 51.

Appellant submits that the various official notices taken by the final Office Action do not remedy the shortcomings of Brockman discussed above. See Office Action mailed on October 12, 2006 at pages 5-7. Specifically, with regard to claims 11 and 43, which depend ultimately from claim 1, Bragg, relied on for its alleged disclosure of the knowledge to extrapolate total inventory data based on a predetermine sample (Office Action mailed on October 12, 2006 at page 5) and to identify and recover lost inventory in response to a discrepancy (Office Action mailed October 12, 2006 at page 6) fails to cure the deficiency of Brockman. Specifically, Bragg does not disclose or suggest “establishing a plan . . . the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process; and implementing the change to correct the at least one discrepancy,” as required by claim 1.

With regard to claim 42, which ultimately depends from claim 37, Dobler, relied on for its alleged disclosure of the knowledge to relocate problem prone parts (Office Action mailed October 12, 2006 at page 6), fails to cure the deficiency of Brockman. Specifically, Dobler does not disclose or suggest "changing an inventory practice . . . the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process," as required by claim 37.

With regard to claims 50 and 51, which ultimately depend from claim 1, Takao, relied on for its alleged disclosure of measuring customer credibility (Office Action mailed on October 12, 2006 at page 7), fails to cure the deficiency of Brockman. Specifically, Takao does not disclose or suggest "establishing a plan to correct the at least one discrepancy in response to said assessment, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process," as required by claim 52.

For at least these reasons, none of Brockman, Bragg, Dobler, and Takao render claims 11, 42, 43, 50, and 51 obvious. Thus, claims 11, 43, 50, and 51 are allowable for at least the same reasons that claim 1 is allowable, and claim 42 is allowable for at least the same reasons that claim 37 is allowable.

C. The rejection of claims 34, 35, 40, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of Hoblit should be withdrawn

Claims 34, 35, 40, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockman in view of Hoblit. A *prima facie* case of obviousness

requires that the prior art references, when combined, must teach or suggest every aspect of the claims. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); see also M.P.E.P. § 2143. The Board should reverse the rejection because Brockman in combination with Hoblit does not teach every element of claims 34, 35, 40, and 41

Claims 34 and 35 depend from claim 1. Claims 40 and 41 depend from claim 37. As fully set forth above, Brockman does not disclose each and every limitation of claims 1 and 37. In particular, Brockman fails to disclose or suggest “establishing a plan to correct the at least one discrepancy in response to said comparison, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” recited in claim 1 and “changing an inventory practice in response to said record discrepancy and said analysis, the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” recited in claim 37. The Office Action does not assert that Hoblit remedies the deficiencies of Brockman with regard to claims 1 and 37. Instead, Hoblit was relied on for discussing “[a] method, computer program product and system for analyzing inventory information using time frames.” Hoblit, Abstract. Thus, as the deficiency of Brockman has not been remedied, a *prima facie* case of obviousness has not been established. Moreover, claims 34 and 35 depend from independent claim 1, and claims 40 and 41 depend from independent claim 37 and are therefore allowable for at least the same reasons that claims 1 and 37 are allowable. Withdrawal of the rejection is requested.

In addition, the Office Action asserts “Hoblit teaches that inventory analysis can be generated based on theft prone or problem prone inventory” and cites paragraph 21

of Hoblit for support. Office Action mailed on October 12, 2006 at page 7. Appellant respectfully disagrees. Although of different scopes, claims 31 and 40 include the recitation "said characteristic includes at least one of a problem prone part, and a theft prone part" and claims 35 and 41 include the recitation "reorganizing at least a portion of said inventory in response to said problem prone part identification." The Office Action concedes that Brockman does not disclose these elements. Office Action mailed on October 12, 2006 at page 7. Hoblit simply notes that "the on-line inventory database may not be accurate due to theft, damaged goods, etc." and does not disclose or suggest the above recitations. Hoblit, page 2, paragraph 21. Accordingly, for at least this additional reason, withdrawal of the 35 U.S.C. § 103(a) is requested.

Conclusion

For the reasons given above, pending claims 1, 3-11, 32-37, and 39-52 are allowable, and reversal of the Examiner's rejections is respectfully requested.

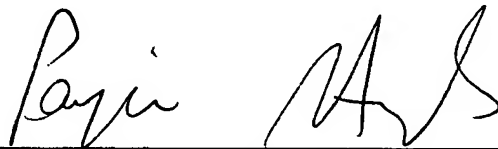
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2007

By:



Panyin A. Hughes
Reg. No. 55,288

Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. (Previously Presented) A method of improving records of inventory at a facility, comprising:
 - assessing a plurality of current computer based inventory records associated with the facility;
 - responsively identifying at least one discrepancy in at least one of the current inventory records;
 - identifying at least one inventory process associated with said discrepancy;
 - establishing a desired performance metric associated with said process;
 - establishing an actual performance metric of said process in response to said discrepancy,
 - comparing said actual and desired performance metrics;
 - establishing a plan to correct the at least one discrepancy in response to said comparison, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process; and
 - implementing the change to correct the at least one discrepancy.

3. (Previously Presented) A method, as set forth in claim 1, further including a step of modifying at least one characteristic associated with at least one inventory

record, the step including one of adjusting and adding the at least one characteristic to the at least one inventory record.

4. (Original) A method, as set forth in claim 1, wherein the step of establishing a plan includes the step of reviewing an inventory process of the facility.

5. (Previously Presented) A method, as set forth in claim 4, wherein the plan further includes the step of improving an inventory practice.

6. (Previously Presented) A method, as set forth in claim 4, wherein the plan further includes the step of improving an inventory methodology.

7. (Original) A method, as set forth in claim 4, wherein the inventory process is a receiving process.

8. (Original) A method, as set forth in claim 1, wherein the step of assessing current inventory records includes the step of performing a warehouse audit.

9. (Original) A method, as set forth in claim 1, wherein the step of assessing current inventory records includes the step of performing a location audit.

10. (Original) A method, as set forth in claim 1, wherein the step of assessing current inventory records includes the step of performing a statistical test count.

11. (Original) A method, as set forth in claim 10, wherein the step of performing a statistical test count includes the steps of:

defining a population of inventory items to count, the population of inventory items to count being less than a total number of inventory items;

counting the population of inventory items;

comparing the count with an inventory record; and,

extrapolating the comparison to the total number of inventory items to achieve an inventory count.

32. (Previously Presented) A method, as set forth in Claim 1, further comprising the steps of:

receiving a claim from an external party, such claim being associated with a part shipment, where said part is of a part type and is associated with said inventory; and

analyzing said claim;

wherein the step of establishing said plan further comprises the step of establishing said plan to correct the at least one deficiency in response to said claim analysis.

33. (Previously Presented) A method, as set forth in Claim 32, wherein the step of analyzing said claim further comprises the step of identifying a characteristic of a part in said inventory in response to said analysis.

34. (Previously Presented) A method, as set forth in Claim 33, wherein said characteristic includes at least one of a problem prone part, and a theft prone part.

35. (Previously Presented) A method, as set forth in Claim 34, further comprising the step of reorganizing at least a portion of said inventory in response to said problem prone part identification.

36. (Previously Presented) A method, as set forth in Claim 1, wherein the step of assessing said plurality of inventory records, further includes the computer based steps of:

identifying a current inventory record associated with said inventory;

performing a statistical test count associated with said inventory; and

comparing said current inventory record and said statistical test count;

wherein the step of identifying said at least one discrepancy further includes the step of identifying said discrepancy in response to said comparison.

37. (Previously Presented) A method of improving records of inventory at a facility, comprising:

assessing at least one inventory record associated with the facility, said record being associated with a claim received from an external party, such claim being associated with a part shipment, where said part is of a part type and is associated with said inventory;

identifying an inventory associated with said facility, said inventory including one of an actual inventory and an estimated inventory;

comparing said at least one inventory record and said facility inventory;

identifying at least one discrepancy in the inventory record in response to said comparison;

analyzing said claim and;

changing an inventory practice in response to said record discrepancy and said analysis, the change including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process.

39. (Previously Presented) A method, as set forth in Claim 37, wherein the step of analyzing said claim further comprises the step of establishing a characteristic of a part in said inventory in response to said analysis.

40. (Previously Presented) A method, as set forth in Claim 39, wherein said characteristic includes at least one of a problem prone part, and a theft prone part.

41. (Previously Presented) A method, as set forth in Claim 40, further comprising the step of reorganizing at least a portion of said inventory in response to said problem prone part identification.

42. (Previously Presented) A method, as set forth in Claim 41, wherein the step of reorganizing at least a portion of said inventory includes the step of relocating said part type in inventory in response to said claim analysis.

43. (Previously Presented) A method, as set forth in Claim 1, further comprising the step of identifying and recovering lost inventory in response to said at least one discrepancy.

44. (Previously Presented) A method, as set forth in Claim 32, wherein the step of analyzing said claim further comprises the step of analyzing said claim in response to a characteristic of a said part.

45. (Previously Presented) A method, as set forth in Claim 44, wherein said characteristic includes at least one of a part labeling, a part packaging.

46. (Previously Presented) A method, as set forth in Claim 44, wherein said characteristic includes a part location in inventory.

47. (Previously Presented) A method, as set forth in Claim 32, wherein said claim is associated with an error in a part quantity shipped, and wherein said claim analysis includes the steps of:

comparing said quantity error with a part quantity in a part package; and

resolving said error in response to said comparison.

48. (Previously Presented) A method, as set forth in Claim 32, wherein said claim is associated with an error in a type of part actually shipped, and wherein said claim analysis includes the steps of:

establishing an inventory location of said actually shipped part;

establishing an inventory location of a desired shipped part;
comparing said actual and desired shipped part locations; and
resolving said error in response to said location.

49. (Previously Presented) A method, as set forth in Claim 32, wherein said claim is associated with an error in a type of part actually shipped, and wherein said claim analysis includes the steps of:

establishing an inventory location of said actually shipped part;
establishing an inventory location of a desired shipped part; and
comparing said actual and desired shipped part locations.

50. (Previously Presented) A method, as set forth in Claim 49, wherein the step of establishing said plan, further comprises the step of establishing said plan in response to said comparison, said plan further including changing an inventory location of one of said actual and desired shipped part.

51. (Previously Presented) A method, as set forth in Claim 1, further comprising the steps of:

receiving a claim from an external party, such claim being associated with a part shipment, where said part is of a party type and is associated with said inventory, said claim being associated with a claimant;

analyzing said claim in response to a claim history of said claimant; and

accepting or rejecting said claim in response to said analysis.

52. (Previously Presented) A method of improving records of inventory at a facility, comprising:

receiving a claim from an external party, such claim being associated with a part shipment, where said part is of a part type and is associated with said inventory;

assessing a plurality of current computer based inventory records associated with the facility in response to said claim;

responsively identifying at least one discrepancy in at least one of the current inventory records;

analyzing said claim; and

establishing a plan to correct the at least one discrepancy in response to said assessment, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process; and

implementing the change to correct the at least one discrepancy.

Evidence Appendix

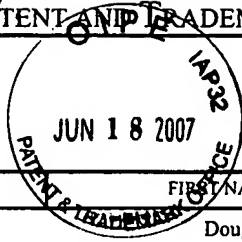
None.

Related Proceedings Appendix

None.



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,032	12/20/2001	Douglas C. Meyer	68,143-008	2259

58982 7590 05/21/2007

CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON, DC 20001-4413

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/21/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

MAY 23 2007

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.

✓
Docketed 05/23/07 Attorney DWH/CP1/PXH/CHW
Case 08350-1488
Due Date 06/21/07 w/ exts.
Action Resp to Non-Compl Appeal Brf.
By JCC

(1 Month)

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/027,032

Applicant(s)

MEYER, DOUGLAS C.

Examiner

J. Kramer

Art Unit

3693

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 26 March 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

c(3) The status of all claims has not been identified(canceled).


Darlene Brown
5712721559